

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ALISON VALENTE,	:	
	:	
Plaintiff,	:	Civil Action File No.:
	:	1:16-cv-01138-ELR-JSA
v.	:	
	:	
INTERNATIONAL FOLLIES,	:	
INC. d/b/a The CHEETAH, JACK	:	
BRAGLIA, ROBERT JOHNSON,	:	
and WILLIAM HAGOOD,	:	
	:	
Defendants.	:	
_____	:	

ALISON VALENTE,	:	
	:	
Plaintiff,	:	Civil Action File No.:
	:	1:17-cv-00737-ELR
v.	:	
	:	
INTERNATIONAL FOLLIES,	:	
INC., et al.	:	
	:	
Defendants.	:	
_____	:	

MOTION FOR CONSOLIDATION OF ACTIONS

Plaintiff, Alison Valente, pursuant to Rule 42, moves the Court for an order consolidating the above-numbered and entitled actions for a joint hearing of all

matters at issue. This Motion is made on the grounds that there are common questions of law and fact in both actions, and such consolidation will avoid unnecessary costs and delays.

Federal Rule of Civil Procedure 42 states that separate cases may be consolidated at the Court's discretion.¹ Rule 42(a) codifies certain aspects of a trial court's inherent managerial powers and provides:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

The Court of Appeals for the Eleventh Circuit has encouraged trial courts to make good use of Rule 42(a) “in order to expedite the trial and eliminate unnecessary repetition and confusion.” *Hendrix v. Raybestos-Manhattan, Inc.*, 776 F.2d 1492, 1495 (11th Cir. 1985) (quoting *Dupont v. Southern Pacific Co.*, 366 F.2d

¹ **Rule 42. Consolidation; Separate Trials**

(a) Consolidation. If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

(b) Separate Trials. For convenience, to avoid prejudice, or to expedite and economize, the court may order a separate trial of one or more separate issues, claims, crossclaims, counterclaims, or third-party claims. When ordering a separate trial, the court must preserve any federal right to a jury trial.

193, 195 (5th Cir. 1966), *cert. denied*, 386 U.S. 958, 87 S.Ct. 1027, 18 L.Ed.2d 106 (1967)).

A district court's decision under Rule 42(a) is purely discretionary. *Id.* In exercising its discretion, the district court must consider “[w]hether the specific risks of prejudice and possible confusion [are] overborne by the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense to all concerned of the single-trial, multiple-trial alternatives.” *Id.* (quoting *Arnold v. Eastern Air Lines, Inc.*, 681 F.2d 186, 193 (4th Cir. 1982), *cert. denied*, 460 U.S. 1102, 103 S.Ct. 1801, 76 L.Ed.2d 366, *on reh'g*, 712 F.2d 899 (1983), *cert. denied*, 464 U.S. 1040, 104 S.Ct. 703, 79 L.Ed.2d 168 (1984)).

From the pleadings, Plaintiff has three employment-related cases that should be consolidated. However, this Court denied Plaintiff’s attorney’s Notice of Appearance in the initial action, so consolidation is requested in the other two cases. The burden on the parties is lessened by consolidation. The parties are all represented by the same attorneys. Costs will be reduced by combining the claims and the Court will not have to make multiple rulings in different cases. Both claims involve the

Plaintiff working for the employer Defendant, The Cheetah. Further, both lawsuits share the similar issue of Plaintiff being an employee or independent contractor.

The RICO complaint not only involves the same employer, but also deals with the employment-related activity of Plaintiff's coworkers and whether their employment-related conduct rises to the level of a RICO violation. Witnesses will only be inconvenienced by one deposition instead of multiple appearances.

CONCLUSION

For the foregoing reasons, Plaintiff requests that the Court consolidate these two clearly related actions.

Respectfully submitted this 7th day of June 2017.

PANKEY & HORLOCK, LLC

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CERTIFICATION OF FONT SIZE

Pursuant to Local rule 5.1C of the Local Rules of the United States District Court for the Northern District of Georgia, I, Larry A. Pankey, Esq., of Pankey & Horlock, LLC, attorney for Plaintiff, Alison Valente, hereby certify that the foregoing **Motion for Consolidation of Actions** is typewritten in MS Word using Times New Roman font, fourteen (14) point type.

Dated this 7th day of June 2017.

PANKEY & HORLOCK, LLC

By: /s/ Larry A. Pankey
Larry A. Pankey
Georgia Bar No. 560725
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **Motion for Consolidation of Actions** by electronically filing same with the Clerk of the Court

using the CM/ECF system, which will send notification, via email, of such filing to all counsel of record, as follows:

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Dated this 7th day of June 2017.

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